



**MEMORANDUM
OFFICE OF THE COUNTY MANAGER**

Agenda Item No. 7(A)(1)(A)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members
Board of County Commissioners

DATE: January 20, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Correction of scrivener's error
in Resolution No. R-1122-01
and justification memorandum
authorizing Lease Agreement
with Falcontrust Air, LLC.

RECOMMENDATION

It is recommended that the Board authorize the correction of a scrivener's error in Resolution R-1122-01 and its justification memorandum from the County Manager, which incorrectly states that the term of the lease agreement with Falcontrust Air, LLC (Falcontrust) is twenty (20) years. The correct term is twenty-five (25) years as set forth in the Board approved lease agreement.

BACKGROUND

In 2001, Miami-Dade Aviation Department (MDAD) negotiated a twenty-five (25) year development lease agreement with Falcontrust for construction of a fixed-based operation (FBO) comprising several buildings estimated to cost \$2.14 million at Kendall-Tamiami Executive Airport. The agreement executed by Falcontrust was submitted to the Board with a justification memorandum and was duly approved under Resolution R-1122-01.

The term of twenty (20) years contained in the resolution and justification memorandum was an inadvertent scrivener's error in drafting these documents. The error in drafting the documents might be attributable to the provision of the agreement allowing the Lessee to amortize its investments by paying no rent on the improvements during the initial twenty (20) years of the twenty-five (25) year lease.

Approval of this recommendation will eliminate the erroneous reference to a twenty (20) year agreement in the aforementioned resolution and County Manager's justification memorandum thereby providing for accuracy and consistency in County records.

A handwritten signature in cursive script, reading "Billy Johnson", is written over a horizontal line.

Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(A)(1)(A)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7 (A) (1) (A)
1-20-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CORRECTION OF
SCRIVENER'S ERROR IN RESOLUTION NO. R-1122-01 AND
ACCOMPANYING COUNTY MANAGER'S MEMORANDUM
RELATED TO TERM OF LEASE AGREEMENT BETWEEN
THE COUNTY AND FALCONTRUST AIR, LLC

WHEREAS, this Board desires to accomplish the purposes outlined in the
accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby
authorizes the correction of a scrivener's error in Resolution No. R.-1122-01 and the
accompanying County Manager's memorandum, which error stated that the term of the lease
agreement between the County and Falcontrust Air, LLC (the "Lease Agreement") was twenty
(20) years whereas the correct term was twenty-five (25) years as set forth in the Lease
Agreement.

The foregoing resolution was offered by Commissioner
, who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

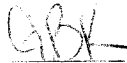
Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



By: _____
Deputy Clerk

Geri Bonzon-Keenan

**RESOLUTION APPROVING IN PRINCIPLE AN
AMENDMENT TO LEASE AGREEMENT
WITH FALCONTRUST AIR, LLC., FOR CONSTRUCTION
OF IMPROVEMENTS AT KENDALL-TAMIAMI
EXECUTIVE AIRPORT; AUTHORIZING COUNTY
MANAGER OR DESIGNEE TO EXECUTE
AMENDMENT DOCUMENTS**

WHEREAS, this Board desires to accomplish the purposes outlined in the memorandum from the County Manager attached hereto;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that this Board approves the First Amendment to the Lease Agreement with FalconTrust Air, LLC, approved by this Board in Resolution No. R-1122-01, in the form attached hereto and made a part hereof; authorizes the County Manager or designee to execute such First Amendment and any other documents reasonably required to place such First Amendment into effect.